

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



OAKLAND SCHOOL EMPLOYEES ASSOCIATION,)	Case No. SF-CE-469
)	
Charging Party,)	Request for Stay
)	PERB Decision No. 367
)	
V.)	INTERIM ORDER
)	PERB Decision No. 367a
OAKLAND UNIFIED SCHOOL DISTRICT,)	
)	Administrative Appeal
Respondent.)	PERB Order No. Ad-140
)	
)	February 27, 1984

Appearances: Andrew Thomas Sinclair, Attorney for Oakland School Employees Association; Nancy Helen Lowenthal, Attorney for Oakland Unified School District.

Before Tovar and Morgenstern, Members; and Hesse, Chairperson,

DECISION AND ORDER

MORGENSTERN, Member: The Oakland Unified School District (District) has filed a Request for Reconsideration of PERB Decision No. 367 pursuant to rule 32410¹ of the Public Employment Relations Board (PERB or Board). The District has

1/ PERB rules are codified at California Administrative Code, title 8, section 31001 et seq. Rule 32410 provides, in pertinent part:

(a) Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service of the decision. An original and 5 copies of the request for reconsideration shall be filed with the Board itself in the headquarters office and shall state with specificity the grounds claimed and,

also requested a stay of the effectiveness of that decision. Pursuant to a mutually agreed-upon extension of time within which to file, the District filed its requests on January 19, 1984, and the Oakland School Employees Association (Association) filed its Opposition to the Stay on February 6, 1984.

Also on February 6, 1984, the Association filed an appeal from the administrative decision of PERB's regional director denying the Association's request for immediate enforcement of Decision No. 367, notwithstanding the pendency of the District's request for reconsideration.

The Board hereby ORDERS that compliance with Decision No. 367 be STAYED pending our determination whether to grant reconsideration, and further ORDERS that the Association's administrative appeal be DENIED.

Member Tovar and Chairperson Hesse joined in this Decision.

where applicable, shall specify the page of the record relied on. Service and proof of service of the request pursuant to Section 32140 are required. The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence.